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OCT 17 2005

FACSIMILE TRANSMITTAL

DATE: October 17, 2005

RE: U.S. Patent Application No. 09/706,505

TO: Commissioner of Patents

FILED: November 2, 2000

FAX: 571-273-8300

FOR: BATCH IDENTIFIER REGISTRATION AND
EMBEDDING IN MEDIA SIGNAL

FROM: William Y. Conwell

ART UNIT: 2136

PAGES: 3 (including cover)

DOCKET NO.: 60288S

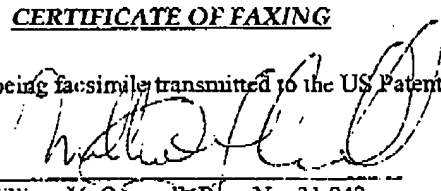
☒ Urgent ☐ For Review ☐ Please Reply

FACSIMILE COVER LETTER

Attached is an Petition to Withdraw Holding of Abandonment with deposit account authorization for the above referenced application.

CERTIFICATE OF FAXING

I hereby certify that these papers are being facsimile transmitted to the US Patent Office, 571-273-8300 on October 17, 2005.


William Y. Conwell, Reg. No. 31,943
Attorney for Applicant

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WYC:jmp 10/17/05

PATENT
Attorney's Matter No. 60288S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Hein et al.

Art Unit: 2136

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Application No.: 09/706,505

Confirmation No.: 8087

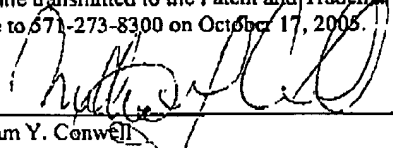
OCT 17 2005

Filed: November 2, 2000

For: BATCH IDENTIFIER REGISTRATION
AND EMBEDDING IN MEDIA SIGNALCERTIFICATE OF FACSIMILE
I hereby certify that this correspondence and any documents referred to as being attached are being facsimile transmitted to the Patent and Trademark Office to 571-273-8300 on October 17, 2005.

Examiner: C. Colin

Date: October 17, 2005


William Y. Conwell
Attorney for ApplicantPETITION TO WITHDRAW HOLDING OF ABANDONMENT
37 C.F.R. § 1.181(a)Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests that the holding of abandonment be withdrawn for the above-captioned application.

The Office mailed an Action on January 27, 2005, which it styled a "Final" Action.

On April 28, 2005, the undersigned spoke with Examiner Colin, and explained that the "Final" status was believed to be inappropriate because new rejections were made in the "Final" Action – not prompted by any claim amendment. (For example, claim 1 was newly rejected under § 102 over Shinoda, when it was formerly rejected under § 103 over Shinoda.)

In that phone call, Examiner Colin indicated that he would mail a new, "non-final" action, and restart the period for response.

On August 31, 2005, Examiner Colin left voice mail for the undersigned explaining that this application appeared on his docket of cases for abandonment, for failure to respond to the January 27 Action, and inviting a return call if this was in error.

On September 2, 2005, the undersigned called and spoke with Examiner Colin, and reminded him of the earlier conversation in which the Examiner indicated that a new Action would be sent – restarting the period for response. The Examiner thanked the undersigned for alerting and reminding him.

WYC:imp 10/17/05

PATENT
Attorney's Matter No. 60288S

On September 23, 2005, the undersigned received a Notice of Abandonment (mailed September 21).

On October 13, 2005, the undersigned left messages for both Examiners Colin and supervisor Sheikh, reviewing the foregoing facts, and requesting withdrawal of the holding of abandonment.

Later that day, Examiner Colin left voice mail for the undersigned, acknowledging the error, but explaining that the file was no longer where he could take action on it. The Examiner requested that the undersigned file a Petition to withdraw the holding of abandonment. This is the requested Petition.

Thus, applicants request that the Office mail a non-final Action – restarting the period for response.

In view of the foregoing facts, there should be no fee charged for this Petition. However, if the Office determines otherwise, it is authorized to charge the required fee(s) to Deposit Account 50-1071.

Date: October 17, 2005

CUSTOMER NUMBER 23735

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Respectfully submitted,

DIGIMARC CORPORATION

By


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